

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

	X	
	:	Case No.: 4:20-cv-1186-JAR
TIMOTHY MILES, on behalf of himself and	:	
others similarly situated,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
MEDICREDIT, INC.,	:	
	:	
Defendant.	:	
	:	
	X	

JOINT PROPOSED SCHEDULING PLAN

COME NOW the parties, by their undersigned counsel, and present their Joint Proposed Scheduling Plan as follows:

(a) The parties agree that **Track 3** is appropriate given the complex discovery issues that may arise due to the class action claims.

(b) The deadline for joining additional parties and amending pleadings shall be **July 16, 2021**.

(c) Federal Rule 26(b)(5)(B) shall govern how the parties will handle inadvertently produced information that is privileged or protected as trial-preparation material

(d) The parties shall complete discovery in accordance with the following schedule:

(i) Disclosure of information and documents pursuant to Federal Rule 26(a)(1) shall be made by **May 14, 2021**. Disclosure of any documents to be produced pursuant to Rule 26(a)(1) shall be made seven (7) days after entry by the Court of a protective order governing treatment of confidential information;

- (ii) The parties disagree on whether discovery should be conducted in phases or limited to certain issues, as set forth below:

Plaintiff's proposal	Defendant's proposal
No bifurcation of discovery	Bifurcation of discovery, with discovery on the viability of the merits of Plaintiff's individual claims to precede class discovery
Plaintiff shall disclose his experts' identities and reports by October 1, 2021	Discovery on the merits of Plaintiff's individual claims shall be completed by November 15, 2021
Plaintiff shall present his experts for deposition by October 29, 2021	Dispositive motions regarding Plaintiff's individual claims shall be filed no later than January 14, 2022
Defendant shall disclose its experts' identities and reports by December 3, 2021	After the Court has ruled on any dispositive motions, the parties will meet and confer to set a schedule governing discovery regarding Plaintiff's class allegations, followed by briefing on class certification (to the extent necessary)
Defendant shall present its experts for deposition by January 20, 2022	
Any rebuttal expert reports must be disclosed by February 23, 2022	
Plaintiff will file his motion for class	

certification by January 28, 2022 ; Defendant's Opposition shall be due on or before March 21, 2022 . Plaintiff's Reply shall be due on or before April 18, 2022	
Discovery shall be completed by April 1, 2022	
Dispositive motions shall be filed by April 29, 2022	
Motions to exclude expert testimony shall be filed by April 29, 2022	

- (iii) The parties agree that the presumptive limit of ten (10) depositions per side and twenty-five (25) interrogatories per party shall apply to this case;
- (iv) This case does not require physical or mental examination of the parties.
- (e) The parties agree that mediation may be a viable future option once discovery has been completed, but respectfully request that the Court refrain from ordering mediation at this time;
- (f) The earliest date by which this case should reasonably be expected ready for trial is:
 - a. From Plaintiff's perspective: **November 2022**
 - b. From Defendant's perspective: **May 2023**
- (g) The parties estimate this case will take approximately 3-4 days to try to verdict.

Respectfully submitted,

Dated: May 3, 2021

/s/ Michael L. Greenwald

Michael L. Greenwald (*pro hac vice*)
GREENWALD DAVIDSON RADBIL PLLC
7601 N. Federal Highway, Suite A-230
Boca Raton, FL 33487
Tel: (561) 826-5477
mgreenwald@gdrlawfirm.com

Anthony LaCroix
LaCROIX LAW FIRM, LLC
1600 Genessee, Suite 956
Kansas City, MO 64102
Tel: (816) 399-4380
Tony@lacroixlawkc.com

Counsel for Plaintiff and the proposed classes

/s/ Megan D. Meadows

Scott J. Dickenson, #50478MO
Megan D. Meadows, #60669MO
SPENCER FANE LLP
1 N. Brentwood Blvd., Suite 1000
St. Louis, MO 63105
Tel: (314) 863-7733
Fax: (314) 862-4656
sdickenson@gdrlawfirm.com
mmeadows@spencerfane.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that on May 3, 2021, the foregoing document was filed with the Court using CM/ECF, which will send notification of such to all counsel of record.

/s/ Michael L. Greenwald

Michael L. Greenwald